

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LEO GUY, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

CONVERGENT OUTSOURCING,
INC.,

Defendant.

LEAD CASE NO. C22-1558 MJP

ORDER GRANTING MOTION TO
APPOINT INTERIM CO-LEAD
COUNSEL

This matter comes before the Court on Plaintiffs' Motion to Appoint Interim Co-Lead Counsel. (Dkt. No. 10.) Having reviewed the Motion and all supporting materials, and having held oral argument on December 20, 2022, the Court GRANTS the Motion.

Federal Rule of Civil Procedure 23(g)(3) permits the appointment of interim lead counsel "to act on behalf of putative class members before determining whether to certify the action as a class action." Fed. R. Civ. P. 23(g)(3). In deciding which counsel to appoint, the Court examines counsel's: "(1) work in identifying or investigating potential claims; (2) experience in handling

1 class action and complex litigation and the types of claims asserted in the action; (3) knowledge
2 of the applicable law; and (4) available resources.” Adedipe v. U.S. Bank, Nat. Ass’n, No. CIV.
3 13-2687 JNE/JJK, 2014 WL 835174, at *2 (D. Minn. Mar. 4, 2014) (citing Fed. R. Civ. P.
4 23(g)(1)(A)).

5 Plaintiffs ask the Court to appoint as interim co-lead counsel: (1) Gary E. Mason of
6 Mason LLP; (2) Jean S. Martin of Morgan & Morgan Complex Litigation Group; and (3) Gary
7 M. Klinger of Milberg Coleman Bryson Phillips Grossman, PLLC. The Court has reviewed the
8 resumes and supporting information provided by these attorneys and finds that their skill shown
9 to date, and knowledge and experience in the kind of case before the Court is sufficient to satisfy
10 Rule 23(g). The Court also finds that the resources their firms possess is adequate. At the
11 hearing, the Court shared its reservations about appointing counsel from three different law firms
12 as co-lead interim counsel. But the Court is satisfied that the three lawyers who seek appointment
13 will work together efficiently to serve the interests of the proposed class. And the Court has
14 imposed a requirement that the three co-lead counsel select just one to coordinate all appearances
15 before the Court—the “whip.” The Court has further required that the interim co-lead counsel
16 select one local attorney to serve as local liaison counsel. Plaintiffs must meet and confer to
17 discuss these selections and notify the Court of the co-lead whip and the local liaison counsel by
18 no later than December 27, 2022.

19 On this basis, the court GRANTS the Motion and APPOINTS as interim co-lead counsel:
20 (1) Gary E. Mason of Mason LLP; (2) Jean S. Martin of Morgan & Morgan Complex Litigation
21 Group; and (3) Gary M. Klinger of Milberg Coleman Bryson Phillips Grossman, PLLC.

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1 The clerk is ordered to provide copies of this order to all counsel.

2 Dated December 21, 2022.

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4 Marsha J. Pechman
5 United States Senior District Judge
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